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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,440	02/23/2004	Hashem Mohammad Ebrahimi	1565.068US1	-2576
21186 7590 10/21/2008 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER KIM, JUNG W	
			ART UNIT 2432	PAPER NUMBER
			MAIL DATE 10/21/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.

P.O. BOX 2938

MINNEAPOLIS, MN 55402

EXAMINER

SANDOVAL, KRISTIN D

ART UNIT

PAPER NUMBER

2132

MAIL DATE

DELIVERY MODE

10/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/784,440	Applicant(s) EBRAHIMI ET AL.	
	Examiner Kristin D. Sandoval	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/24/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-28 are pending.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-4 and 14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 2-4:

The 'if' clauses in each claim fail to have a coinciding else condition. Therefore, the scope of the claim cannot be determined.

Claim 14 recites the limitation "the decrypted format" in line 2. There is insufficient antecedent basis for this limitation in the claim.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2132

3. Claims 1-4, 7, 8, 12, 14-16, 20-26 rejected under 35 U.S.C. 102(e) as being anticipated by Ebata et al. (Ebata), U.S. Patent No. 6,513,061.

As per claims 1-4, 7, 8, 12, 14-16, 20-26:

Ebata discloses a data management and acceleration delivery system, comprising:

a forward proxy; and

one or more local services directly accessible to the proxy, wherein the proxy acts as an intermediary between one or more clients and one or more remote sites, the proxy detects attempts made by the clients for establishing secure communications with the remote sites and based on the identities of a particular client and particular remote site identifies a particular local service (6:48-7:64), the particular local service communicates securely with the particular client and securely communicates with the particular remote site, and wherein the particular local service caches data received from the particular remote site for purposes of servicing requests for portions of that data requested by the particular client (12:33-13:15).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6, 8-15, 17-19, 27 and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Ebata in view of Barton et al. (Barton), U.S. Patent No. 7,093,121.

As per claims 5, 6, 17-19, 27 and 28:

Art Unit: 2132

Ebata fails to teach secure communications utilizing the exchange of certificates.

However, Barton discloses utilizing secure communications between a client, proxy and remote site with the exchange of certificates to establish secure communications (abstract, 3:25-4:39).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the known technique of certificate exchange as disclosed in Barton to the invention of Ebata in order to yield the predictable improvement of security in the invention of Ebata.

As per claims 8-15:

Ebata substantially teaches a method of managing and accelerating delivery of data, comprising:

processing a local service of a forward proxy for communicating securely with a client and for acting on behalf of the client during interactions between the client and a remote site (6:48-7:64);

managing authority from the remote site at the local service (6:48-7:64); and

caching, within the local service, data received from the remote site, and wherein portions of the data are sent to the client in order to service data requests made from the client to the remote site (12:33-13:15).

Ebata fails to disclose accessing a certificate of the remote site, utilizing HTTPS, transmitting an local service certificate to the remote site, utilizing secure requests and caching the certificate of the remote site. However, Barton discloses the exchange of certificates between a client, proxy and remote site and utilizing HTTPS to set up a secure communications channel in which to make secure requests for data and caching the certificates (abstract, 3:25-4:39).

Art Unit: 2132

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the known technique of certificate exchange as disclosed in Barton to the invention of Ebata in order to yield the predictable improvement of security in the invention of Ebata.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin D. Sandoval whose telephone number is 571-272-7958.

The examiner can normally be reached on Monday - Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kristin D Sandoval

Application/Control Number: 10/784,440

Page 6

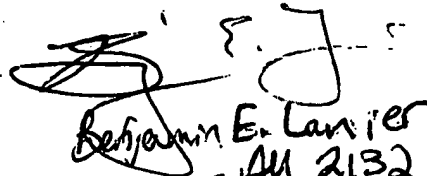
Art Unit: 2132

Examiner

Art Unit 2132

KPS

KDS

  
Benjamin E. Lanier  
Examiner AU 2132